

CIRCULAR LETTER NO. 426

(This letter supersedes Circular Letter No. 396)

September 12, 2005

TO ALL BRITISH COLUMBIA LAND SURVEYORS

Re: Section 58 *Land Act* Applications

Section 58 of the *Land Act* provides a mechanism whereby a person proposing to subdivide may apply to the designated minister for a declaration of intention with respect to a body of water or road shown on a Crown grant tracing. If doubt exists whether the body of water or road is included in the grant, or whether it is in the public interest that the part coloured other than in red need be retained by the province, an application for a declaration by the minister may be made to the Surveyor General Division of the Land Title & Survey Authority of British Columbia.

An application shall contain the following:

1. Three copies of a preliminary plan signed by a British Columbia Land Surveyor showing:
 - a) The unregistered land which is coloured other than red on the tracing attached to the Crown grant of the parcel which is the subject of the application,
 - b) A description of the current state of the land within the application area (e.g. soil and vegetation types), and
 - c) Plotted positions and directions of photographs required under 2 below.
2. Two sets of colour ground photographs showing the date on which the photographs were taken, the area subject to the application and all survey points (monuments and traverse hubs) in the vicinity of the subject area flagged and identified.
3. A copy of all pertinent *Land Title Act* plans of the property surrounding the area subject to the application.
4. An explanation of why the application area is no longer required to remain as provincial land. If the road or body of water no longer exists, an explanation as to why they no longer exist should be provided. Any unnatural interference with the subject area must be documented.

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5. The prescribed fee, currently \$500.00.
6. The municipal address of the property if available.
7. One paper print of a plan or composite map that shows the location of the application area relative to the district lot or section in which it is located.
8. A paper copy of the Crown grant tracing showing the application area.

Electronic submissions of the application information in PDF format are encouraged. Electronic application packages can be sent to sgdesig@ltsa.ca. At this time application fees will have to be submitted by cheque.

If it is deemed necessary to conduct an inspection of the application area, the Surveyor General will determine the method by which this will occur. There are three options available:

1. A Land Officer from the appropriate government regional office may conduct the inspection;
2. A staff land surveyor from the Surveyor General Division may conduct the inspection; or
3. A private consultant, approved by the Surveyor General Division may conduct the inspection.

The applicant will be responsible for all expenses incurred as a result of an inspection of the application. Costs will be determined prior to the inspection and the applicant will be required to pay all costs in advance of the inspection.

A complete, thorough and clear depiction of the unregistered land will in many cases eliminate the need for an inspection.

When tentative approval of the application is issued by this office, the surveyor shall complete the survey in accordance with that approval. The appropriate certificate shown in section 157(h) of the General Survey Instruction Rules shall be drafted on the final plan.

The approved application area must be depicted on your plan with broken lines and must be identified such as, "*Unregistered land subject to the section 58 Land Act certificate hereon*". The Surveyor General file number must be written on the plan immediately above the section 58 certificate.

Once all owners, charge-holders and the approving authority (if applicable) have signed the plan and the plan is otherwise ready for deposit into a Land Title Office, the original mylar and one paper print shall be forwarded to the Surveyor General Division for final approval. Once final approval has been granted as evidenced by signature of the section 58 certificate by or on behalf of the minister, the plan will be returned to the land surveyor for deposit into the Land Title Office.

Additional guidance and information may be obtained from the Surveyor General Division.

Yours sincerely,

Rick Hargraves, B.C.L.S.
Surveyor General and Director